

To: [REDACTED]  
Subject: RE: Joe Hall's recount reg comment

From: Joseph Lorenzo Hall  
Date: Fri, Feb 27, 2009 at 2:06 PM  
Subject: some comments on recount regulations

I'm not sure who I should send these to, since I'm not planning on coming up for the hearing anymore. If you could forward them to the appropriate person, that'd be great! best, Joe

# Some comments on the recount regulations

-- Joseph Lorenzo Hall (UC Berkeley/Princeton/ACCURATE)

Sec. 20813(b) - It would seem reasonable that a copy of the EMS database could also be provided, if requested, possibly under limited circumstances if proprietary concerns arise (it could be provided on CDROM/DVDROM at the physical location of election headquarters on a clean computing platform provided by either the elections official or requester. Media and computers must be destroyed and/or wiped clean before leaving premises but results and such that are "relevant material" may leave the premises.). Why? Often it is hard to use the EMS' preferred output of election results to do any meaningful analysis without retyping it all in! Getting access to a copy of the database would help to ensure that the recount requester could run their own DB reports on the DB and produce output in the format of their liking.

Sec. 20821 - This should specify that no photographs of ballots with serial numbers should be taken. I say this because I once took this photograph[1], which shows a Hart provisional ballot. I realized only too late that this photograph virtually ensured that anyone who could link the provisional ballot ID number ("Ballot Key" in the photograph) to a person would completely know how this person voted. This might be ok if any records tying an identity to a provisional ballot ID number were destroyed; however, in a recount scenario close to an election and with uncertain rules about destruction of provisional ballot envelopes, etc., this might not be the case.

[1]: <http://www.flickr.com/photos/joebeone/2293602762/sizes/l/in/set-72157603987436284/>

Sec. 20831(b) - This regulation should also provide copies of the recount regulations and any local procedural documentation used by the election official that outlines any other procedures used by the recount board not outlined in the recount regulations. This is needed because it can often be hard to tell if the regulation and other procedural specifications are being followed unless one has a recipe right in their hands (this is related to my work from last year (see [2] and [3])).

[2]: [http://josephhall.org/papers/jhall\\_evt08.pdf](http://josephhall.org/papers/jhall_evt08.pdf)

[3]: [http://josephhall.org/procedures/ca\\_tally\\_procedures-2008.pdf](http://josephhall.org/procedures/ca_tally_procedures-2008.pdf)

Sec. 20842 - seems to not allow cutting the VVPATs and doing a sort-and-stack count (like that illustrated in previous sections, e.g., Sec. 20832.). Some counties do this for their manual count and there should probably be a regulation that says: "Any county may cut individual VVPATs off of their associated roll and utilize the 'sort and stack' counting methods above (Sec. 28032 et. seq.)." I realize that this is just a count for one race so cutting the VVPATs might not be needed; however, jurisdictions that are familiar with sort-and-stack methods and have counting boards who are familiar with that method (from the 1% tally or recounting optical scan ballots) should be allowed to continue using that method.

Sec. 20842(d) - Are the talliers supposed to say "10" or "25" after one of the individual candidate counts gets to those numbers or when the total number of VVPATs counted (the aggregate "ballots cast" number) is a multiple of 10 or 25? If the latter, this seems to misunderstand the benefit of periodically calling out a number: it's to easily roll back the count based on being off in a specific candidate count. The talliers will have to keep an aggregate "VVPATs counted" tally and individual tallies for each option in the contest. Maybe they should call out when either the aggregate count or an individual count reaches one of those multiples?

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